



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU AND WIRELESS
TELECOMMUNICATIONS BUREAU ANNOUNCE THE COMPLETION OF 800 MHZ BAND
RECONFIGURATION IN CERTAIN NPSPAC REGIONS AND THE AVAILABILITY OF
ADDITIONAL SPRINT VACATED CHANNELS**

WT Docket No. 02-55

The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (Bureaus) announce the completion of 800 MHz Band Reconfiguration in the National Public Safety Planning Advisory Committee (NPSPAC) regions listed in Attachment A.¹ Consequently, as of the date of this *Public Notice*, the post-rebanding channel plan is in effect in these NPSPAC regions.²

The Bureaus alert relevant stakeholders that, only as to the NPSPAC regions listed in Attachment A, we hereby: (1) begin full implementation of the interference abatement rules in Sections 22.970(a) and 90.672(a) of the Commission's rules; and (2) announce that any remaining channels in the interleaved segment of the band vacated by Sprint Nextel Corporation (Sprint) are available for licensing to public safety entities and, later, to critical infrastructure entities. As explained below, however, we do not make unoccupied channels in the Expansion Band and Guard Band available for licensing at this time, but will announce the availability of those channels via a separate Public Notice.

Background

In the *800 MHz Report and Order*, the Commission ordered 800 MHz rebanding to resolve interference caused by commercial systems to public safety and other non-cellular architecture systems in the band.³ The Commission provided for the rebanding process to be completed on a region by region basis.⁴ The 800 MHz Transition Administrator (TA) has certified that band reconfiguration is complete in the NPSPAC regions listed in Attachment A and all licensees in those regions are now operating on their

¹ See *infra* Attachment A. NPSPAC Regions previously announced as complete with band reconfiguration are listed in Attachment B.

² See 47 CFR §§ 90.613-90.617.

³ See *Improving Public Safety Communications in the 800 MHz Band*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969, 14971-73, paras. 1-3 (2004) (*800 MHz Report and Order*).

⁴ *Id.* at 15072, para. 195. See also *Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan*, Public Notice, 20 FCC Rcd 5159 (WTB 2005).

post-rebanding replacement channels.⁵ This does not mean that licensees have completed all tasks associated with rebanding. For example, the TA noted in its certifications that some licensees have not submitted final rebanding cost documentation to Sprint and/or the TA, completed the actual cost reconciliation process, or closed their Frequency Reconfiguration Agreements (FRAs).⁶ Licensees in these regions that have not completed all rebanding tasks are reminded that they must do so expeditiously.

The completion of rebanding in the regions listed in Attachment A represents the continuation of a successful public-private partnership with Sprint, furthers the Commission's mission to "promote safety of life and property," and supports the nation's first responders with effective public safety networks free of cellular interference.⁷

Interim Interference Criteria Have Expired

In order to address increasing interference in the 800 MHz band, the Commission established rules requiring enhanced specialized mobile radio (ESMR) and cellular telephone system operators to address and resolve interference their systems cause to public safety and non-cellular licensees in the band.⁸ The *800 MHz Report and Order* specified that, in order to be eligible for full protection from interference, public safety and other non-cellular licensees were required to receive a minimum measured input signal power of -101 dBm for portable units and -104 dBm for vehicular units.⁹ The Commission codified these minimum threshold signal levels in Sections 22.970(a) and 90.672(a) of the Commission's rules.¹⁰

Following the release of the *800 MHz Report and Order*, however, stakeholders presented the Commission with evidence that resolving cases of interference at these minimum threshold levels could impose substantial operational restrictions on ESMR carriers in the interleaved channels during the rebanding process.¹¹ Thus, the Commission temporarily waived the minimum threshold levels specified in Sections 22.970(a) and 90.672(a) and implemented interim levels of -85 dBm for portable units and -88 dBm for vehicular units. These higher minimum signal levels were in effect in each NPSPAC region until band reconfiguration was complete in that region.¹²

⁵ See Letters from Brett Haan, 800 MHz Transition Administrator, to David L. Furth, Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission (Aug. 7, 2015, Dec. 23, 2015, Feb. 25, 2016, May 11, 2016 and June 30, 2016) (certifying the completion of band reconfiguration in the NPSPAC regions listed in Attachment A) (TA Certification Letters). The TA was established by the Commission to oversee band reconfiguration. See *800 MHz Report and Order*, 19 FCC Rcd at 15070-75, paras. 190-200. Originally, the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau was assigned oversight of the TA and the rebanding process. See *800 MHz Report and Order*, 19 FCC Rcd at 15075, para. 201. Subsequently, the Public Safety and Homeland Security Bureau was established and has since assumed these duties. See 47 CFR § 0.191(f); *Establishment of Public Safety and Homeland Security Bureau*, Order, 21 FCC Rcd 10867 (2006).

⁶ See TA Certification Letters.

⁷ See *800 MHz Report and Order*, 19 FCC Rcd at 14971, para. 1 (citing 47 U.S.C. § 151).

⁸ *Id.* at 15037-45, paras. 124-141.

⁹ *Id.* at 15029, para. 105.

¹⁰ 47 CFR §§ 22.970(a), 90.672(a).

¹¹ See *Improving Public Safety Communications in the 800 MHz Band*, Supplemental Order, 19 FCC Rcd 25120, 25137, para. 38 (2004) (*Supplemental Order*).

¹² *Id.* at 25137-38, para. 39.

The TA has certified that band reconfiguration is complete in the regions listed in Attachment A.¹³ Therefore, the temporary waiver has expired in these NPSPAC regions and the minimum threshold levels specified in Sections 22.970(a) and 90.672(a) are now in effect. Consequently, as of the date of this *Public Notice*, ESMR licensees and cellular telephone operators bear “strict responsibility” for resolving unacceptable interference to public safety and other non-cellular licensees receiving at least a minimum measured input signal power of -101 dBm for portable units and -104 for dBm for vehicular units.¹⁴

Vacated Interleaved Channels Becoming Available for Licensing

In connection with reconfiguration of the 800 MHz band, the Public Safety and Homeland Security Bureau released for licensing, certain channels vacated by Sprint in the interleaved portion of the band (809-815/854-860 MHz). Vacated channels in the interleaved portion of the band are exclusively reserved for public safety applicants for three years from the opening of a filing window, and for public safety and critical infrastructure industry (CII)¹⁵ applicants for two years thereafter.¹⁶ After this five year period, any remaining vacated channels revert to their original frequency pools and become available for licensing to any eligible applicant.¹⁷

The Public Safety and Homeland Security Bureau has released Sprint-vacated channels for licensing in stages with the most recent release occurring in December 2014.¹⁸ By this *Public Notice*, we announce the availability for licensing of additional Sprint-vacated channels.

In the NPSPAC regions listed in Attachment A, all remaining channels vacated by Sprint in the interleaved portion of the band will be available for licensing to public safety applicants, and later to CII applicants. In addition, some Sprint-vacated channels will also become available for licensing in regions which were previously impacted by an application freeze that has now been lifted.¹⁹

Please note, however, that certain counties in regions adjacent to the Mexico border continue to be subject to an application freeze.²⁰ Thus, we will withhold releasing vacated channels in any county currently subject to an application freeze.

¹³ See TA Certification Letters.

¹⁴ 47 CFR §§ 27.970(a), 90.672(a).

¹⁵ A definition of critical infrastructure industry is provided in Section 90.7 of the Commission’s Rules. See 47 CFR § 90.7.

¹⁶ *800 MHz Report and Order*, 19 FCC Rcd at 15052, para. 152. The exclusive filing windows for public safety and CII applicants also apply to channels vacated by other licensees relocating to the ESMR band and licensees electing to relocate to the Guard Band. *Id.* See also *Supplemental Order*, 19 FCC Rcd at 25145 para. 58.

¹⁷ See *Supplemental Order*, 19 FCC Rcd at 25145 para. 58. See also 47 CFR §§ 90.615, 90.617(g).

¹⁸ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions*, Public Notice, 29 FCC Rcd 16290, 16292-94 (PSHSB/WTB 2014) (*Second Completion of Rebanding Public Notice*).

¹⁹ A freeze on applications impacting Region 43 (Washington State) and portions of Region 35 (Oregon) and Region 12 (Idaho) expired on April 18, 2016. See *Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze for NPSPAC Region 43 (Washington State)*, Public Notice, 30 FCC Rcd 11545 (PSHSB 2015).

²⁰ See *Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze along Border with Mexico*, Public Notice, 31 FCC Rcd 9585 (PSHSB 2016).

To identify specific vacated channels that are available for licensing, the Bureaus have created a Vacated Channel Search Engine (VCSE) at http://wireless2.fcc.gov/reband800/search_basic.htm.²¹ The VCSE contains detailed geographic and frequency data regarding these vacated channels. The vacated channel public access file is at <http://wireless.fcc.gov/uls/index.htm?job=transaction&page=weekly>. This access file may be downloaded by users with data-processing capability, e.g., frequency coordinators.

For channels being made available for licensing by this *Public Notice*, the VCSE will specify **February 23, 2017** as the availability date in the “Channel Availability” field.

Beginning on **February 23, 2017**, Commission-certified frequency coordinators may file applications, in the Universal Licensing System (ULS), on behalf of eligible applicants for the channels released by this *Public Notice*. Any application filed for these channels before **February 23, 2017** will be dismissed.

Applications for vacated channels must include a certification of frequency coordination by an appropriate Commission-certified frequency coordinator in accordance with Section 90.175 of the Commission’s rules.²² Furthermore, frequency coordinators must follow the procedures previously detailed for coordinating applications and attach the appropriate certifications to each application.²³ **Coordinators are advised to check the Commission’s Market-Based database to ascertain whether there are EA licenses that conflict with a channel chosen from the VCSE. Also, coordinators are reminded to specifically list the locations/frequencies which were the subject of their VCSE search.**²⁴ **Staff may return applications if there is ambiguity as to which channels or locations on the application are covered by the coordinator’s certification.**

As with previously released vacated channels, frequency coordinators must address and resolve conflicting applications through the “pre-coordination” notification process before certifying applications. Pre-coordination may commence no sooner than **January 19, 2017**, at 8:00 AM Eastern Time.²⁵ On that date, on, or after, that time, each frequency coordinator may submit electronic notification to the other participating coordinators of applications it has prepared for coordination. Each notification for vacated channels must be sent individually; batch filing is prohibited. Mutually exclusive applications filed with the Commission will be dismissed without prejudice.

²¹ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Establish New 800 MHz Vacated Channel Search Engine for Identifying Vacated Channels in the 800 MHz Interleaved Band That Will be Available for Licensing to Public Safety and Critical Infrastructure Industry Entities*, Public Notice, 23 FCC Rcd 16481 (PSHSB/WTB 2008).

²² 47 CFR § 90.175.

²³ See *Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Channels Relinquished by Sprint Nextel Corporation in the 809-809.5/854-854.5 MHz Band*, Public Notice, 23 FCC Rcd 18343, 18344-45 (PSHSB 2008).

²⁴ *Id.* at 18344.

²⁵ *Id.* at 18345.

From **February 23, 2017**, to **February 22, 2020**, the interleaved channels made available by this *Public Notice* will be available exclusively for licensing to public safety eligible entities. From **February 23, 2020**, to **February 22, 2022**, the channels made available by the records released by this *Public Notice* will be available exclusively for licensing to public safety eligible entities and critical infrastructure industry eligible entities.

Applicants who receive a license for channels vacated by Sprint no longer need to provide prior notice to Sprint before they activate a channel for testing or commence operations.

Expansion Band and Guard Band Channels

The Commission created the Expansion Band and Guard Band to provide spectral separation between commercial licensees operating in the ESMR segment of the band above 817/862 MHz, and public safety licensees operating below 815/860 MHz.²⁶ Expansion Band spectrum is designated mostly for Specialized Mobile Radio (SMR) stations, with the remainder for Business/Industrial/Land Transportation (B/ILT) Pool eligibles.²⁷ Guard Band spectrum is in the General Pool,²⁸ and thus is available for Public Safety, B/ILT, and SMR operations.²⁹

In 2012, the Bureaus released Expansion and Guard Band channels for licensing in regions which had completed band reconfiguration.³⁰ Subsequently, the Land Mobile Communications Council (LMCC) filed a petition for rulemaking seeking to amend the rules to allow 800 MHz incumbent licensees in a market a six-month period in which to apply for Expansion Band and Guard Band frequencies before making them available to other applicants for new 800 MHz systems,³¹ and some

²⁶ *800 MHz Report and Order*, 19 FCC Rcd at 15053-55, paras. 154-158. No Guard Band exists in the southeastern portion of the United States in counties served by both Sprint and SouthernLINC and in areas adjacent to the U.S./Canada border. Furthermore, the Expansion Band consists of the 812.5-813.5 MHz/857.5-858.5 MHz segment of the band in these counties served by both Sprint and SouthernLINC except for a seventy-mile radius around Atlanta where the Expansion Band is reduced to one-half megahertz. *Id.* at 15058, para. 166. *See also Improving Public Safety Communications in the 800 MHz Band*, Memorandum Opinion and Order, 20 FCC Rcd 16015, 16036, para. 48 (2005).

²⁷ *See* 47 CFR § 90.617(b), (d). Expansion Band users also include Public Safety licensees that chose not to relocate out of the band. *See 800 MHz Report and Order*, 19 FCC Rcd at 15053, n.417. They are permitted to expand geographically on the Expansion Band channels they retained, and may obtain new Expansion Band channels through inter-category sharing. *See Public Safety and Homeland Security Bureau Clarifies the Rights of 800 MHz Public Safety Licensees Electing to Remain in the 800 MHz Expansion Band*, Public Notice, 22 FCC Rcd 6803, 6803-04 (PSHSB 2007); *Public Safety and Homeland Security Bureau Clarifies the Process for Accepting Applications from Public Safety Licensees that Elected to Remain in the 800 MHz Expansion Band*, Public Notice, 30 FCC Rcd 3021 (PSHSB 2015).

²⁸ *See* 47 CFR § 90.615.

²⁹ *See Creation of Interstitial 12.5 KHz Channels in the 800 MHz Band Between 809-817/854-862 MHz*, Notice of Proposed Rulemaking, 30 FCC Rcd 1663, 1675, n.95 (2015).

³⁰ *See Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Reconfiguration in Certain NPSPAC Regions*, Public Notice, 27 FCC Rcd 14775, 14780-82 (PSHSB/WTB 2012).

³¹ Land Mobile Communications Council, Petition for Rulemaking Regarding Interim Eligibility for the 800 MHz Expansion Band (860-861/815-816 MHz) and Guard Band (861-862/816-817 MHz) (filed Mar 27, 2014) (Petition). *See Wireless Telecommunications Bureau and Public Safety And Homeland Security Bureau Seek Comment on Petition for Rulemaking Filed by Land Mobile Communications Council Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies*, Public Notice, 29 FCC Rcd 4093 (WTB/PSHSB 2014).

commenters requested that the Commission defer declaring rebanding to be complete in any additional regions pending resolution of the petition for rulemaking.³²

In 2014, the Bureaus released Expansion and Guard Band channels for licensing in additional regions which had completed band reconfiguration.³³ The Bureaus noted that the request in the LMCC petition was largely premised on the need for licensees in congested urban areas to obtain additional 800 MHz spectrum for system expansion, but the NPSPAC regions in which the Bureaus were then declaring rebanding to be complete did not contain any urban areas larger than those in the regions where they declared rebanding complete in 2012.³⁴ Therefore, the Bureaus concluded that announcing the completion of rebanding in those additional regions did not prejudice either the rulemaking petition or commenters' requests that we defer releasing the channels pending the resolution of the rulemaking petition.³⁵ Consequently, the Bureaus made channels in the Expansion Band and Guard Band available for licensing in those regions, but noted that they would consider the deferral requests with respect to future regions in light of the conditions in those regions and the subsequent status of the rulemaking petition.³⁶

In 2016, the Commission released a *Notice of Proposed Rulemaking* regarding the LMCC petition (and other matters).³⁷ The Commission proposed to adopt the LMCC proposal in part. Specifically, it proposed to provide a window for incumbent 800 MHz licensees in the market to acquire or expand coverage and improve their quality of service on Expansion Band B/ILT Pool channels before accepting applications from new entrants, but tentatively concluded that the LMCC proposal for incumbent priority is not appropriate with respect to Expansion Band SMR channels, and sought comment on whether to provide a window for 800 MHz licensees in a market to acquire or expand coverage on Guard Band channels.³⁸ Comments on the *Notice of Proposed Rulemaking* were due November 22, 2016, and replies are due December 22, 2016.³⁹

Some of the NPSPAC regions listed in Attachment A contain urban areas larger than any in the regions where the Bureaus declared rebanding complete in 2012 and 2014. Therefore, we conclude that releasing these additional Expansion Band and Guard Band channels would prejudice the rulemaking petition and prematurely dispose of commenters' requests that we not announce the completion of rebanding in additional regions before resolving the LMCC request for incumbent priority.

³² See Enterprise Wireless Alliance comments, RM-11719, at 3; LMCC reply comments, RM-11719, at 8. See also Letter dated Aug. 14, 2014 from Gregory Kunkle, President, LMCC to Marlene H. Dortch, Secretary, FCC.

³³ See *Second Completion of Rebanding Public Notice*, 29 FCC Rcd at 16296-99.

³⁴ See *id.* at 16296 (citing Petition at 5-7).

³⁵ See *id.*

³⁶ See *id.*

³⁷ See *Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum; Land Mobile Communications Council Petition for Rulemaking Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies; Petition for Rulemaking Regarding Conditional Licensing Authority Above 470 MHz*, Notice of Proposed Rulemaking, 31 FCC Rcd 9431 (2016).

³⁸ See *id.* at 9442-43, paras. 31-34. The Commission also proposed to provide a window to Public Safety licensees that elected to remain in the Expansion Band so that they may expand coverage on their existing Expansion Band channels. See *id.* at 9442, para. 31.

³⁹ See 81 Fed. Reg. 65597, 65597 (2016).

Consequently, we do not make unoccupied channels in the Expansion Band and Guard Band available for licensing at this time, but will announce the availability of those channels via a separate Public Notice.

TA Approval of Applications for New NPSPAC Band No Longer Necessary

In a previous *Public Notice*, the Public Safety and Homeland Security Bureau indicated that applications for new facilities in the new NPSPAC band would be subject to TA review until the completion of rebanding in a NPSPAC region.⁴⁰

Accordingly, by this *Public Notice*, unless an application includes fixed locations within 70 miles of a NPSPAC region for which the TA has not certified that band reconfiguration is complete, we announce that TA approval of applications for the new NPSPAC band in the regions listed in Attachment A is no longer necessary.

For further information, contact Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-0838 or Brian.Marengo@fcc.gov; Melvin Spann, Wireless Telecommunications Bureau, Mobility Division at (202) 418-1333 or Melvin.Spann@fcc.gov.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau and Deputy Chief, Wireless Telecommunications Bureau.

– FCC –

⁴⁰ See *Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Regional Plans to Reflect 800 MHz Band Reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band*, Public Notice, 24 FCC Rcd 1364, 1366 (PSHSB 2009).

Attachment A
NPSPEC Regions in Which 800 MHz Band Reconfiguration is Complete as of this Public Notice

NPSPEC Region	Description of Region ⁴¹
Region 1	Alabama
Region 8	Metropolitan NYC Area
Region 10	Georgia
Region 13	Illinois
Region 14	Indiana
Region 18	Louisiana
Region 19	New England
Region 20	Maryland – DC – Northern Virginia
Region 21	Michigan
Region 23	Mississippi
Region 28	Eastern Pennsylvania – Delaware – Southern New Jersey
Region 31	North Carolina
Region 35	Oregon
Region 36	Western Pennsylvania
Region 37	South Carolina
Region 39	Tennessee
Region 42	Virginia
Region 47	Puerto Rico
Region 48	US Virgin Islands
Region 51	East Texas – Houston ⁴²
Region 54	Chicago

⁴¹ Regions that are only a portion of a state or states are defined by counties. For a list of the counties in each of these regions See *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, First Report and Order and Third Further Notice of Proposed Rule Making, 14 FCC Rcd 152 (1998), available at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc98191.txt>.

⁴² No Sprint vacated channels will be released in the following counties which are subject to a freeze on applications: Austin, Brazoria, Colorado, Fort Bend, Grimes, Harris, Matagorda, Montgomery, Waller and Wharton.

Attachment B
NPSPAC Regions Previously Announced as Complete with 800 MHz Band Reconfiguration

NPSPAC Region	Description of Region	Date Announced as Complete ⁴³
2	Alaska	November 27, 2012
7	Colorado	November 27, 2012
11	Hawaii	November 27, 2012
12	Idaho	December 30, 2014
15	Iowa	November 27, 2012
16	Kansas	December 30, 2014
17	Kentucky	December 30, 2014
22	Minnesota	November 27, 2012
24	Missouri	December 30, 2014
25	Montana	December 30, 2014
26	Nebraska	November 27, 2012
30	Eastern Upstate New York	December 30, 2014
32	North Dakota	November 27, 2012
38	South Dakota	November 27, 2012
41	Utah	November 27, 2012
44	West Virginia	December 30, 2014
45	Wisconsin	November 27, 2012
46	Wyoming	November 27, 2012
55	Western Upstate New York	December 30, 2014
64	American Samoa*	December 30, 2014

* This is not an official NPSPAC Region but it is subject to band reconfiguration and has been assigned a region number for purposes of searching the Vacated Channel Search Engine.

⁴³ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions*, Public Notice, 27 FCC Rcd 14775 (PSHSB/WTB 2012); *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions*, Public Notice, 29 FCC Rcd 16290 (PSHSB/WTB 2014).